UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SCOTT ANDREW WITZKE,

     Plaintiff,

v.

JORDAN RIECK, *et al.*,

     Defendants.

Case No. 21-cv-11346
Hon. Matthew F. Leitman

_____/

**ORDER (1) DIRECTING DEFENDANT ROBERT ALLEN McLEAN
TO RESPOND TO PLAINTIFF'S MOTION TO STRIKE (ECF No. 46);
(2) DIRECTING DEFENDANT McLEAN TO SERVE REPSONSE ON
PLAINTIFF; AND (3) CONFIRMING BRIEFING SCHEDULE
SET FORTH IN COURT'S PRIOR ORDER (ECF NO. 43)**

On April 25, 2022, Plaintiff Scott Andrew Witzke filed a motion under

Federal Rule of Civil Procedure 12(f)(2) to strike Defendant Robert Allen McLean's

affirmative defense of qualified immunity. (*See* Mot., ECF No. 46.) The Court

concludes that it would benefit from a response by McLean. Accordingly, the Court

ORDERS that, by not later than **June 1, 2022**, (1) McLean shall file a response to

Witzke's motion to strike (ECF No. 46); and (2) for all the reasons discussed in the

Court's earlier order (ECF No. 43), McLean shall (a) serve his response by ordinary

mail on Witzke at his current address, Scott A. Witzke #392924 c/o Livingston

County Jail, 150 S. Highlander Way, Howell, MI 48843; and (b) file on this Court's

docket a proof of service indicating that he has served his response on Witzke.

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The Court further **CONFIRMS** that this Order does not alter the briefing schedule it set forth for Witzke in its prior Order (ECF No. 42). Accordingly, as set forth in that Order, Witzke shall file the responses required by the Court's Supplemental Response Order (ECF No. 37) and Show Cause Order (ECF No. 38) by not later than **May 31, 2022**. Witzke's failure to meet these deadlines may lead to the granting of the pending motions and the dismissal of his claims

> s/Matthew F. Leitman
> MATTHEW F. LEITMAN
> UNITED STATES DISTRICT JUDGE

Dated: May 11, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 11, 2022, by electronic means and/or ordinary mail.

> s/Holly A. Ryan
> Case Manager
> (313) 234-5126

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